

ASSEMBLY BILL

No. 2725

Introduced by Assembly Member Brown

February 21, 2014

An act to amend Sections 10004.6, 10537, 10631, and 12929.22 of, and to add Section 27 to, the Water Code, relating to urban waterways.

LEGISLATIVE COUNSEL'S DIGEST

AB 2725, as introduced, Brown. Urban waterway restoration.

(1) Existing law requires the Department of Water Resources to update The California Water Plan, which is a plan for the conservation, development, and use of the water resources of the state, every 5 years. The department, as part of the update, is required to release assumptions and estimates relating to current and projected water use, including industrial uses and parks and open spaces.

This bill would require the department to release assumptions and estimates relating to water use for urban waterway restoration.

(2) The Integrated Regional Water Management Planning Act authorizes a regional water management group to prepare an integrated regional water management plan, in accordance with certain procedures, for the implementation or operation of specified qualified projects or programs pertaining to water supply, water quality, or related matters. The act defines “regional projects or programs” as projects or programs identified in an integrated regional water management plan that accomplish specified water-related goals, including an increase in water supplies through the use of certain means.

This bill would specifically include urban waterway restoration that increases water supplies for any beneficial use, as a regional project or program.

(3) Existing law, the Urban Water Management Planning Act, requires every public and private urban water supplier that directly or indirectly provides water for municipal purposes to prepare and adopt an urban water management plan. Existing law requires the plan to provide a description of, among other things, the supplier's water demand management measures, as specified.

This bill would require the description of the water demand management measure to include a description of an urban waterway restoration program.

(4) Existing law, the Environmental Water Act of 1989, authorizes the City of Los Angeles to submit one or more grant applications to the Department of Water Resources to protect and preserve the Mono Lake Basin, as specified, and, upon acceptance of an application, requires the department to expend moneys available from the Environmental Water Fund for an eligible project, as defined, to preserve the wildlife and environment of the Mono Lake Basin. Under existing law, the department is required to expend the money appropriated to the department from the fund for projects or programs concerning the water resources of the state that will contribute significant environmental benefits.

This bill would include an urban waterway restoration project as an eligible project for this grant program.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 27 is added to the Water Code, to read:
- 2 27. "Urban waterway" means a body of water that is located
- 3 within, or runs through, an urban area, including, but not limited
- 4 to, a creek, river, lake, canal, or dam.
- 5 SEC. 2. Section 10004.6 of the Water Code is amended to read:
- 6 10004.6. (a) As part of updating The California Water Plan
- 7 every five years pursuant to subdivision (b) of Section 10004, the
- 8 department shall conduct a study to determine the amount of water
- 9 needed to meet the state's future needs and to recommend
- 10 programs, policies, and facilities to meet those needs.
- 11 (b) The department shall consult with the advisory committee
- 12 established pursuant to subdivision (b) of Section 10004 in carrying
- 13 out this section.

1 (c) ~~On or before January 1, 2002, and one~~ *One* year prior to
2 issuing each successive update to The California Water Plan, the
3 department shall release a preliminary draft of the assumptions
4 and other estimates upon which the study will be based, to
5 interested persons and entities throughout the state for their review
6 and comments. The department shall provide these persons and
7 entities an opportunity to present written or oral comments on the
8 preliminary draft. The department shall consider these documents
9 when adopting the final assumptions and estimates for the study.
10 For the purpose of carrying out this subdivision, the department
11 shall release, at a minimum, assumptions and other estimates
12 relating to all of the following:

13 (1) Basin hydrology, including annual rainfall, estimated
14 unimpaired streamflow, depletions, and consumptive uses.

15 (2) Groundwater supplies, including estimates of sustainable
16 yield, supplies necessary to recover overdraft basins, and supplies
17 lost due to pollution and other groundwater contaminants.

18 (3) Current and projected land use patterns, including the mix
19 of residential, commercial, industrial, agricultural, and undeveloped
20 lands.

21 (4) Environmental water needs, including regulatory instream
22 flow requirements, nonregulated instream uses, and water needs
23 by wetlands, preserves, refuges, and other managed and unmanaged
24 natural resource lands.

25 (5) Current and projected population.

26 (6) Current and projected water use for all of the following:

27 (A) Interior uses in a single-family dwelling.

28 (B) Exterior uses in a single-family dwelling.

29 (C) All uses in a multifamily dwelling.

30 (D) Commercial uses.

31 (E) Industrial uses.

32 (F) Parks and open spaces.

33 (G) Agricultural water diversion and use.

34 (H) *Urban waterway restoration.*

35 (7) Evapotranspiration rates for major crop types, including
36 estimates of evaporative losses by irrigation practice and the extent
37 to which evaporation reduces transpiration.

38 (8) Current and projected adoption of urban and agricultural
39 conservation practices.

1 (9) Current and projected supplies of water provided by water
2 recycling and reuse.

3 (d) The department shall include a discussion of the potential
4 for alternative water pricing policies to change current and
5 projected water uses identified pursuant to paragraph (6) of
6 subdivision (c).

7 (e) ~~Nothing in this~~ *This section requires or prohibits does not*
8 *require the department to update, or prohibit the department from*
9 ~~updating~~ *updating*, any data necessary to update The California
10 Water Plan pursuant to subdivision (b) of Section 10004.

11 SEC. 3. Section 10537 of the Water Code is amended to read:

12 10537. "Regional projects or programs" means projects or
13 programs identified in an integrated regional water management
14 plan that accomplish any of the following:

15 (a) Reduce water demand through agricultural and urban water
16 use efficiency.

17 (b) Increase water supplies for any beneficial use through the
18 use of any of the following, or other, means:

19 (1) Groundwater storage and conjunctive water management.

20 (2) Desalination.

21 (3) Precipitation enhancement.

22 (4) Water recycling.

23 (5) Regional and local surface storage.

24 (6) Water-use efficiency.

25 (7) Stormwater management.

26 (8) *Urban waterway restoration.*

27 (c) Improve operational efficiency and water supply reliability,
28 including conveyance facilities, system reoperation, and water
29 transfers.

30 (d) Improve water quality, including drinking water treatment
31 and distribution, groundwater and aquifer remediation, matching
32 water quality to water use, wastewater treatment, water pollution
33 prevention, and management of urban and agricultural runoff.

34 (e) Improve resource stewardship, including agricultural lands
35 stewardship, ecosystem restoration, flood plain management,
36 recharge area protection, urban land use management, groundwater
37 management, water-dependent recreation, fishery restoration,
38 including fish passage improvement, and watershed management.

39 (f) Improve flood management through structural and
40 nonstructural means, or by any other means.

1 SEC. 4. Section 10631 of the Water Code is amended to read:
2 10631. A plan shall be adopted in accordance with this chapter
3 that shall do all of the following:

4 (a) Describe the service area of the supplier, including current
5 and projected population, climate, and other demographic factors
6 affecting the supplier's water management planning. The projected
7 population estimates shall be based upon data from the state,
8 regional, or local service agency population projections within the
9 service area of the urban water supplier and shall be in five-year
10 increments to 20 years or as far as data is available.

11 (b) Identify and quantify, to the extent practicable, the existing
12 and planned sources of water available to the supplier over the
13 same five-year increments described in subdivision (a). If
14 groundwater is identified as an existing or planned source of water
15 available to the supplier, all of the following information shall be
16 included in the plan:

17 (1) A copy of any groundwater management plan adopted by
18 the urban water supplier, including plans adopted pursuant to Part
19 2.75 (commencing with Section 10750), or any other specific
20 authorization for groundwater management.

21 (2) A description of any groundwater basin or basins from which
22 the urban water supplier pumps groundwater. For those basins for
23 which a court or the board has adjudicated the rights to pump
24 groundwater, a copy of the order or decree adopted by the court
25 or the board and a description of the amount of groundwater the
26 urban water supplier has the legal right to pump under the order
27 or decree. For basins that have not been adjudicated, information
28 as to whether the department has identified the basin or basins as
29 overdrafted or has projected that the basin will become overdrafted
30 if present management conditions continue, in the most current
31 official departmental bulletin that characterizes the condition of
32 the groundwater basin, and a detailed description of the efforts
33 being undertaken by the urban water supplier to eliminate the
34 long-term overdraft condition.

35 (3) A detailed description and analysis of the location, amount,
36 and sufficiency of groundwater pumped by the urban water supplier
37 for the past five years. The description and analysis shall be based
38 on information that is reasonably available, including, but not
39 limited to, historic use records.

(4) A detailed description and analysis of the amount and location of groundwater that is projected to be pumped by the urban water supplier. The description and analysis shall be based on information that is reasonably available, including, but not limited to, historic use records.

(c) (1) Describe the reliability of the water supply and vulnerability to seasonal or climatic shortage, to the extent practicable, and provide data for each of the following:

(A) An average water year.

(B) A single dry water year.

(C) Multiple dry water years.

(2) For any water source that may not be available at a consistent level of use, given specific legal, environmental, water quality, or climatic factors, describe plans to supplement or replace that source with alternative sources or water demand management measures, to the extent practicable.

(d) Describe the opportunities for exchanges or transfers of water on a short-term or long-term basis.

(e) (1) Quantify, to the extent records are available, past and current water use, over the same five-year increments described in subdivision (a), and projected water use, identifying the uses among water use sectors, including, but not necessarily limited to, all of the following uses:

(A) Single-family residential.

(B) Multifamily.

(C) Commercial.

(D) Industrial.

(E) Institutional and governmental.

(F) Landscape.

(G) Sales to other agencies.

(H) Saline water intrusion barriers, groundwater recharge, or conjunctive use, or any combination thereof.

(I) Agricultural.

(2) The water use projections shall be in the same five-year increments described in subdivision (a).

(f) Provide a description of the supplier's water demand management measures. This description shall include all of the following:

(1) A description of each water demand management measure that is currently being implemented, or scheduled for

1 implementation, including the steps necessary to implement any
2 proposed measures, including, but not limited to, all of the
3 following:

4 (A) Water survey programs for single-family residential and
5 multifamily residential customers.

6 (B) Residential plumbing retrofit.

7 (C) System water audits, leak detection, and repair.

8 (D) Metering with commodity rates for all new connections and
9 retrofit of existing connections.

10 (E) Large landscape conservation programs and incentives.

11 (F) High-efficiency washing machine rebate programs.

12 (G) Public information programs.

13 (H) School education programs.

14 (I) Conservation programs for commercial, industrial, and
15 institutional accounts.

16 (J) Wholesale agency programs.

17 (K) Conservation pricing.

18 (L) Water conservation coordinator.

19 (M) Water waste prohibition.

20 (N) Residential ultra-low-flush toilet replacement programs.

21 (O) *Urban waterway restoration programs.*

22 (2) A schedule of implementation for all water demand
23 management measures proposed or described in the plan.

24 (3) A description of the methods, if any, that the supplier will
25 use to evaluate the effectiveness of water demand management
26 measures implemented or described under the plan.

27 (4) An estimate, if available, of existing conservation savings
28 on water use within the supplier's service area, and the effect of
29 the savings on the supplier's ability to further reduce demand.

30 (g) An evaluation of each water demand management measure
31 listed in paragraph (1) of subdivision (f) that is not currently being
32 implemented or scheduled for implementation. In the course of
33 the evaluation, first consideration shall be given to water demand
34 management measures, or combination of measures, that offer
35 lower incremental costs than expanded or additional water supplies.
36 This evaluation shall do all of the following:

37 (1) Take into account economic and noneconomic factors,
38 including environmental, social, health, customer impact, and
39 technological factors.

1 (2) Include a cost-benefit analysis, identifying total benefits and
2 total costs.

3 (3) Include a description of funding available to implement any
4 planned water supply project that would provide water at a higher
5 unit cost.

6 (4) Include a description of the water supplier's legal authority
7 to implement the measure and efforts to work with other relevant
8 agencies to ensure the implementation of the measure and to share
9 the cost of implementation.

10 (h) Include a description of all water supply projects and water
11 supply programs that may be undertaken by the urban water
12 supplier to meet the total projected water use as established
13 pursuant to subdivision (a) of Section 10635. The urban water
14 supplier shall include a detailed description of expected future
15 projects and programs, other than the demand management
16 programs identified pursuant to paragraph (1) of subdivision (f),
17 that the urban water supplier may implement to increase the amount
18 of the water supply available to the urban water supplier in average,
19 single-dry, and multiple-dry water years. The description shall
20 identify specific projects and include a description of the increase
21 in water supply that is expected to be available from each project.
22 The description shall include an estimate with regard to the
23 implementation timeline for each project or program.

24 (i) Describe the opportunities for development of desalinated
25 water, including, but not limited to, ocean water, brackish water,
26 and groundwater, as a long-term supply.

27 (j) For purposes of this part, urban water suppliers that are
28 members of the California Urban Water Conservation Council
29 shall be deemed in compliance with the requirements of
30 subdivisions (f) and (g) by complying with all the provisions of
31 the "Memorandum of Understanding Regarding Urban Water
32 Conservation in California," dated December 10, 2008, as it may
33 be amended, and by submitting the annual reports required by
34 Section 6.2 of that memorandum.

35 (k) Urban water suppliers that rely upon a wholesale agency for
36 a source of water shall provide the wholesale agency with water
37 use projections from that agency for that source of water in
38 five-year increments to 20 years or as far as data is available. The
39 wholesale agency shall provide information to the urban water
40 supplier for inclusion in the urban water supplier's plan that

1 identifies and quantifies, to the extent practicable, the existing and
2 planned sources of water as required by subdivision (b), available
3 from the wholesale agency to the urban water supplier over the
4 same five-year increments, and during various water-year types
5 in accordance with subdivision (c). An urban water supplier may
6 rely upon water supply information provided by the wholesale
7 agency in fulfilling the plan informational requirements of
8 subdivisions (b) and (c).

9 SEC. 5. Section 12929.22 of the Water Code is amended to
10 read:

11 12929.22. (a) Funds expended for purposes of Section
12 12929.20 shall be expended only for an eligible project ~~which that~~
13 is consistent with a grant application pursuant to Section 12929.21.
14 The City of Los Angeles shall be the sole grantee for any funds
15 expended for an eligible project.

16 ~~For~~

17 (b) For purposes of this section, “eligible project” means a water
18 or power conservation project, a waste water reclamation project,
19 a conjunctive use program, a groundwater recharge project, the
20 enlargement of existing water or power facilities owned by the
21 City of Los Angeles, electric power production facilities, *an urban*
22 *waterway restoration project*, or a water marketing program.
23 Priority shall be given to projects or programs that conserve water
24 or power that has been previously developed.

25 ~~It~~

26 (c) It is the intent of the Legislature that eligible projects are
27 intended to find replacement water and power for the City of Los
28 Angeles and to limit any impact of reduced diversions from the
29 Mono Lake Basin on statewide water and power supplies, except
30 for any reduced diversions ordered as specified in Section
31 12929.24. ~~No money~~ *Moneys* made available pursuant to this
32 chapter shall *not* be spent by the city to buy water from the
33 Metropolitan Water District of Southern California.